

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES JONES

v.

GERALD ROZUM, et al.

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CIVIL ACTION

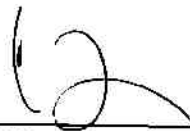
NO. 09-4733

ORDER

AND NOW, this 16th day of June, 2010, upon consideration of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, petitioner's Motion to Stay (Doc. 9) and the Response thereto, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DISMISSED**, without prejudice, for failure to exhaust state court remedies;
3. Petitioner's Motion to Stay is **DENIED**;
4. A certificate of appealability shall not issue in that a reasonable jurist could not conclude the Court is incorrect in dismissing the habeas petition without prejudice.

BY THE COURT:



LEGROME D. DAVIS, J.